

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

WISSAM T. HAMMOUD,

Petitioner,

v.

C. HOLINKA,

Respondent.

ORDER

09-cv-778-bbc

On February 1, 2010, I entered an order giving petitioner until February 19, 2010 to inform the court whether he wishes this court to treat his pleadings in this case as a petition for a writ of habeas corpus under 28 U.S.C. § 2241 or as a complaint in a civil action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971). Now it has come to the court's attention that petitioner has been transferred to the Federal Correctional Institution in Florence, Colorado and may not have received the February 1 order. In light of petitioner's recent transfer, I will extend the deadline for him to respond to March 12, 2010. Also, I will enclose to plaintiff an additional copy of the February 1 order.

ORDER

IT IS ORDERED that

1. Petitioner may have an enlargement of time to March 12, 2010, in which to inform the court whether he wishes this court to treat his pleadings in this case as a petition for a writ of habeas corpus under 28 U.S.C. § 2241 or as a complaint in a civil action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971).

2. If, by March 12, 2010, petitioner fails to respond to this order, I will treat his action as a habeas corpus action and dismiss it for his failure to raise a claim cognizable in habeas corpus.

3. If, by March 12, 2010, petitioner states that he wishes to proceed with a civil action under Bivens, he must submit a six-month trust fund account statement by March 19, 2010 to allow the court to determine what initial partial payment petitioner would be required to pay under § 1915 or pay the remaining \$345 of the filing fee. If petitioner fails to submit the required trust fund account or the remaining amount owed on the filing fee by March 19, 2010, the clerk of court is directed to close this case for petitioner's failure to prosecute.

Entered this 23rd day of February, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge